REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I.   Amendments to the Claims

Independent claims 1 and 11-13 have been amended clarify the features of the invention recited therein in order to overcome the 35 U.S.C. § 112 rejection discussed below.

II.   35 U.S.C. § 112, Second Paragraph Rejections

Claims 1 and 11-13 were rejected under 35 U.S.C. § 112, second paragraph being indefinite. Specifically, claims 1 and 11-13 were rejected for reciting (i) correcting, without receiving an instruction from the user, and (ii) outputting, without receiving an instruction from the user, which are limitations that are allegedly inconsistent with the claimed limitation of receiving the instruction of the purpose.

In view of the above, claims 1 and 11-13 have been amended to remove the phrase "without receiving an instruction from the user" from the "correcting" and the "extracting and outputting" limitations recited therein. As a result, the above-mentioned limitations of concern are no longer recited in claims 1 and 11-13. Therefore, withdrawal of this 35 U.S.C. § 112, second paragraph rejection of claims 1 and 11-13 is respectfully requested.

Additionally, claims 4 and 5 were rejected for reciting "receiving a characteristics' output instruction for extracting and outputting the characteristic section in the program section," which is allegedly inconsistent with base claim 1. Specifically, this rejection of claims 4 and 5 states that the above-mentioned limitation recited in claims 4 and 5 is inconsistent with claim 1,

because claim 1 recites that the first reception unit does not receive another instruction different from the instruction of the purpose. This rejection is respectfully traversed for the following reasons.

Claim 1 recites that the first reception unit receives an instruction, from the user, of a purpose of the AV content. Claim 1 <u>does not restrict</u> the first reception unit from receiving other instructions from the user. In other words, even though claim 1 recites that the first reception unit receives the instruction of the purpose and recites that the selecting is performed in accordance with the instruction of purpose and without receiving, from the user, an instruction different from the instruction of the purpose, <u>claim 1 does not restrict the AV content processing device from receiving other instructions from the user and performing operations based on those instructions</u>.

Put another way, even though claim 1 recites that the <u>selecting</u> is performed without receiving an instruction other than the purpose instruction, claim 1 does not restrict the first reception unit from receiving other instructions from the user.

As a result, it is respectfully submitted that the recitation of claims 4 and 5 directed to "receiving the characteristics' output instruction for extracting and outputting the characteristic section" is in no way inconsistent with the limitations of base claim 1. Therefore, withdrawal of this 35 U.S.C. § 112 rejection of claims 4 and 5 is respectfully requested.

III.   **35 U.S.C. § 102 Rejection**

Claims 1, 2, 7, 9 and 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Covell et al. (U.S. 6,782,186). This rejection is believed clearly inapplicable to independent claims 1 and 11-13 and the claims that depend therefrom for the following reasons.

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Independent claim 1 recites a processing device including a first reception unit for receiving, from a user, an <u>instruction of a purpose, selected from reproduction and edit, of AV content</u> including a program section and a commercial message (CM) section. Further, claim 1 recites that the processing device includes a boundary correction unit for, when the program section and the CM section are extracted from the AV content in accordance with the instruction of the purpose received from the user, selecting, <u>in accordance with the received instruction of the purpose and without receiving, from the user, an instruction different from the instruction of the purpose,</u> whether the boundary is shifted in one of a direction causing the CM section to be short and a direction causing the CM section to be long, and correcting a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift. Claim 1 also recites determining the boundary between the program section and the CM section of the AV content in accordance with the corrected boundary information.

Initially, the Applicants would like to thank the Examiner for the helpful Response to Arguments included in items 5-7 on pages 2-4 of the Office Action. However, the Applicants note that that last paragraph on page 3 of the Office Action states that "[i]n response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. …without receiving, from the user, an instruction different from the instruction of the purpose …) are not recited in the rejected claims."

This above-mentioned statement on page 3 of the Office Action is respectfully traversed, since independent claim 1 specifically recites "selecting, in accordance with the instruction of the purpose received by the first reception unit and <u>without receiving, from the user, an instruction different from the instruction of the purpose,</u> whether the boundary is shifted in one of a

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direction causing the CM section to be short and a direction causing the CM section to be long."
As a result, it is respectfully requested that the Examiner take into account the above-noted
limitations which are recited in claim 1, when comparing the claimed invention with the Covell
reference.

Now turning to Covell, the Applicants note that Covell teaches receiving a selection of
SURF/ZAP from a user, such that the selection of SURF/ZAP is for setting conditions related to
program/segment matching (see Fig. 1 and col. 6, lines 7-60). Specifically, Covell teaches that
the surfing function is used to match/locate previously marked and memorized information
segments, and teaches that the zapping function is used avoid recording previously encountered
information segments, wherein both the surfing and zapping functions (even in the assisted-
marking modes) rely on user input for identifying a beginning and end of information segments
to be marked (see Fig. 1, and col. 6, lines 13-19 and 21-26).

In other words, according to Covell, when a user selects "surf," previously recorded
programs are matched/located, and when a user selects "zap," information segments that have
already been encountered will not be recorded (i.e., zap prevents the user from recording already
recorded or viewed segments). Therefore, it is submitted that the surfing/zapping functions are
related to matching/locating certain types of information segments.

Thus, in view of the above, it is clear that Covell teaches that a user can select "surf" or
"zap" in order to set certain conditions related to program/segment matching, but fails to disclose
or suggest receiving, from a user, an instruction of a purpose, selected from reproduction and
edit, of AV content and selecting, in accordance with the received instruction of the purpose and
without receiving, from the user, an instruction different from the instruction of the purpose,
whether the boundary is shifted in one of a direction causing the CM section to be short and a

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direction causing the CM section to be long, and correcting a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift, as recited in claim 1.

In other words, even though Covell teaches selecting "surf" or "zap" functions, these functions are merely related to program matching, wherein additional input from the user is required to introduce shifting borders between commercials and programs. As a result, Covell fails to disclose or suggest selecting (in accordance with the received instruction of the purpose and without receiving, from the user, an instruction different from the instruction of the purpose) whether the boundary is shifted in one of a direction causing the CM section to be short and a direction causing the CM section to be long, and correcting a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift, as recited in claim 1.

Additionally, turning back to Covell, the Applicants note that Covell describes automatic extending and trimming of recorded segments (see col. 16, lines 33-45). However, this automatic extending/trimming is accomplished by matching a memorized frame with a frame from incoming information, such that the memorized segment is extended by memorizing additional sequential frames from the incoming information stream, such that the newly memorized additional sequential frames are added to the previously memorized segment (see col. 16, lines 46-67).

Thus, in view of the above, it is clear that Covell teaches that automatic extending/trimming of a previously recorded segment can be performed by matching the previously recorded segment to a newly received segment and adding appropriate portions of the newly received segment to the end or beginning of the previously recorded segment, but fails to

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disclose or suggest selecting (in accordance with the received instruction of the purpose and without receiving, from the user, an instruction different from the instruction of the purpose) whether the boundary is shifted in one of a direction causing the CM section to be short and a direction causing the CM section to be long, correcting a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift, and determining the boundary between the program section and the CM section of the AV content in accordance with the corrected boundary information, as recited in claim 1.

In other words, Covell merely teaches automatically extending/trimming existing segments by adding new segments to the existing segments, if a "match" is found, which is completely different from determining and shifting boundaries between the program section and the CM section of the AV content, as required b claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-10 that depend therefrom are not anticipated by Covell.

Moreover, the Applicants note that a result of the structure required by claim 1 is that the present invention intentionally shifts, in accordance with a function selected by a user, a border between a CM and a program, in order to improve usability. On the other hand, Covell performs CM detection based on matching (i.e., as described above, the surf/zap functions are for setting the conditions for the program matching), which is completely different from intentionally shifting, in accordance with an instruction of purpose selected by a user, the border between the CM and the program, so as to improve reliability of a detected border between the CM and the program, as required by claim 1.

As a result, there is no disclosure or suggestion in Covell or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Covell to obtain

the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-10 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 11, 12 and 13 are directed to a method, a program, and a circuit, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 11-13 are allowable over Covell.

IV.   35 U.S.C. § 103 Rejections

Claims 3-6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell. In addition, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas et al. (U.S. 2002/0080286).

Regarding dependent claims 3-6 and 8, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell, it is respectfully submitted that, since Covell does not disclose or suggest the above-discussed features of independent claim 1, Covell also does not disclose or suggest the features of dependent claims 3-6 and 8.

Regarding dependent claim 10, which was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas, it is respectfully submitted that Dagtas does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Covell reference. Therefore, no obvious combination of Covell and Dagtas would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-10 that depend therefrom.

V. Conclusion

In view of the above amendments and remarks, it is submitted that the present application

is now in condition for allowance and an early notification thereof is earnestly requested. The

Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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